

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Angela Cosgrove, Nicole Stoddard, and
Megan Sablak, individually and on behalf
of the Minnesota Rule 23 Class,

Case No. 10-CV-01937 (SRN/SER)

Plaintiffs,

v.

ORDER

OS Restaurant Services, Inc.,

Defendant.

WHEREAS, on August 30, 2011 at 9:30 a.m., a hearing was held before the Honorable Susan Richard Nelson, United States District Judge, to consider the Parties' Joint Motion for Final Approval of the Settlement [Doc. No. 90]; and to consider the Plaintiffs' and Plaintiffs' Counsel's Application for Attorneys' Fees, Costs, and Expenses and for incentive awards to the Named Plaintiffs [Doc. No. 86]; and

WHEREAS, having heard the statements of counsel for the parties and reviewed all material submitted by the same,

IT IS HEREBY ORDERED AND ADJUDGED:

1. The settlement and plan of distribution set forth in the Parties' Stipulation of Settlement and moving papers is fair, reasonable, and adequate, and is **APPROVED**.

2. The parties are ordered to follow the settlement allocation process and timeline specified in Exhibit C to their Settlement Agreement (ECF No. 76-1). Consistent with that timeline, within 30 business days of this order (or at the expiration of

any appeals from this order) Defendant shall deposit **\$1,250,000**, less any amounts determined to be withheld for employee payroll taxes, into the client trust account held by Plaintiffs' Counsel, the law firm of Nichols Kaster, PLLP.

3. A contingency fund made up of **\$4,000** of the deposited amounts referenced in ¶ 2 shall be held in trust by the law firm of Nichols Kaster, PLLP through April 15, 2012. The contingency fund shall be used to compensate class members for lost settlement checks and provide contingency costs associated with administration of the settlement fund. Any contingency funds remaining after April 15, 2012 shall be paid to the parties' designated *cy pres* recipient, the Volunteer Lawyers Network.

4. Of the \$1,250,000 settlement amount, **\$791,320.83** (subject to the withholding referenced in ¶ 2) shall be paid to the Rule 23 class members—individual payments from this amount to be consistent with the *pro rata* allocations agreed upon by the parties. No payments shall be made to the two individuals who have excluded themselves from this settlement and their claims shall not be released.

5. The following additional amounts shall be paid to the Named Plaintiffs for their respective efforts in this litigation from the deposited funds referenced in ¶ 2: **\$3,000** to Angela Cosgrove, **\$3,000** to Nicole Stoddard, and **\$3,000** to Megan Sablak.

6. From the deposited amounts referenced in ¶ 2, **\$10,412.72** shall be paid to the law firm of Nichols Kaster, PLLP, as reimbursement for costs and expenses advanced in this litigation to date.

7. From the deposited amounts referenced in ¶ 2, \$416,625 shall be paid to the law firm of Nichols Kaster, PLLP as attorneys' fees for services to the class to date.

8. From the deposited amounts referenced in ¶ 2, \$18,641.45 shall be allocated as reimbursement to the law firm of Nichols Kaster, PLLP for the cost of settlement administration. Payment shall occur two weeks following the initial mailing of checks to class members. At the time of payment, only that portion of the \$18,641.45 incurred by Nichols Kaster, PLLP for settlement administration shall be paid; any unspent portions of the \$18,641.45 shall be added to the contingency fund referenced in ¶ 3 above.

9. Judgment shall be and hereby is entered, and this matter is **DISMISSED**
WITH PREJUDICE.

8. The Court retains jurisdiction to enforce this Order.

Dated: August 30, 2011

s/Susan Richard Nelson
Susan Richard Nelson
United States District Judge